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ABSTRACT

This paper recommends that the high school journalism curriculum assume a prominent position in the teaching of ethics in the public academy. The paper proposes to lay the foundation for strategies that will foster student journalists' skill and enthusiasm in covering controversial issues, while requiring them to justify their decisions--particularly those with ethical implications--based upon the principles of sound moral reasoning. It relies upon principles referred to as the "virtue ethics canon," (a set of principles set forth by the ancient Greek philosophers for moral education and the development of individual virtue), namely that: (1) there are certain fundamental, universal, and immutable moral values; (2) these values can be taught; and (3) these values must be applied through the process of moral reasoning as a precondition for virtuous behavior. The paper begins with a brief examination of the philosophical foundations of the virtue ethics canon and its early role in the American educational system. The paper then discusses the demise of the canon in the face of the relentless pressure from the forces of pragmatism, progressive education, and moral relativism that precipitated the present crisis within the public academy in general and scholastic journalism in particular. The paper then examines the theoretical foundations for a restoration of the canon within the journalism curriculum and some of the guidelines that should be considered in the teaching of moral reasoning to student reporters and editors. Ninety-one notes are included. (SR)

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THE VIRTUE ETHICS CANON: LAYING THE FOUNDATION FOR MORAL RESPONSIBILITY IN SCHOLASTIC JOURNALISM

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The Virtue Ethics Canon: Laying The Foundation For Moral Responsibility In Scholastic Journalism

I. Introduction

In January 1988 the Supreme Court provided high school officials with broad powers to censor school newspapers, thus reversing a twenty year trend towards judicial recognition of freedom for the scholastic press. In Hazelwood School District v. Kuhlmeier,[1] the Court ruled that educators can exercise editorial control over the style and content of school-sponsored expressive activities, as long as their actions are "reasonably related to legitimate pedagogical concerns."[2] Not surprisingly, this decision prompted an angry response from civil libertarians and high school newspaper advisers and students. Professional media practitioners were divided on the impact of this controversial ruling, but one example of rhetorical overkill came from an editor in Wyoming who compared the post-Hazelwood student press with that of the state-controlled media in the Soviet Union.[3]

Following the high court's decision, some school officials began exercising their new-found authority to regulate what they perceived to be offensive or inappropriate expression within the public academy.[4] Some student press associations, supported by the Student Press Law Center, have now mounted a counter-offensive at the grass roots level to lobby state

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[1]14 Med.L.Rptr. 2081 (1988).

[2]Ibid., 2085.

[3]Dick Polman, "School officials flex muscles after censorship ruling," (Baton Rouge) State Times, April 14, 1988, p. 4B.

[4]Ibid.

lawmakers for protective legislation. Regardless of the wisdom of such initiatives, we have argued previously that the Hazelwood decision is not the Constitutional debacle that its detractors have made it out to be. In a lengthy paper presented to the annual convention of the Association for Education In Journalism and Mass Communication in 1988, we observed that "when viewed in the broader historical perspective Hazelwood is predicated upon principles of sound public policy and represents a restoration of the proper balance between the pedagogical mission of the public schools and the role of the student press."[5]

This position drew upon established principles of educational philosophy, law and history for its intellectual sustenance. The following year, in a presentation to the Secondary Education Division's Winter meeting in St. Petersburg,[6] we noted in our discussion of the Hazelwood majority opinion that the decision has refocused attention on the precarious balance between "freedom" and "responsibility" in the public academy. We also expressed the hope that the Hazelwood case would foster a renewed emphasis upon the teaching of ethics in the high school curriculum, an interest that admittedly was never abandoned by some newspaper advisers.

But because the pendulum during the pre-Hazelwood era had swung so far in favor of student freedom and away from an ideology based upon

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[5]Louis A. Day and John M. Butler, "Hazelwood School District v. Kuhlmeier: A Constitutional Retreat or Sound Public Policy." Unpublished paper presented to the Association for Education In Journalism and Mass Communication, Portland, Oregon, July 1988, p. 2.

[6]Louis A. Day and John M. Butler, "The Teaching of Ethics and Moral Reasoning In Scholastic Journalism: The Pedagogical Imperative." An unpublished paper presented to the Secondary Education Division, AEJMC, St. Petersburg, Florida, January 1989.

responsibility, it is our view that the teaching of ethics and moral reasoning within the public academy must be based upon a "values teaching," rather than a "values free," approach to journalism education. And in our judgment, journalism courses should be at the vortex of this values teaching movement, because in no other course -- math, history, physics, or government, for example -- does the work of class members have such potential for impacting so directly the lives of others. This was the concern of the Hazelwood principal, when he objected to an article on teen pregnancy and one on the effects of parental divorce on students at the school.[7]

The challenge of newspaper advisers is to instill a sense of moral awareness within student reporters and editors while at the same time not undermining their confidence in the scholastic press as a forum for student expression. The pedagogical objective, therefore, is to strike the right balance between freedom and responsibility. This is indeed an ethically slippery slope. We have never argued -- and do not do so here -- that school officials should take the Hazelwood decision as a mandate to censor the scholastic press into oblivion or to reduce student newspapers to nothing more than journalistic pablum. The goal is to develop strategies that will foster student journalists' skill and enthusiasm in covering controversial issues, while requiring them to justify their decisions -- particularly those with ethical implications -- based upon the principles of sound moral reasoning.

This paper is an attempt to lay the foundation for such a strategy. It relies upon the principles of what we refer to as the "virtue ethics canon."

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[7]Hazelwood, op. cit., 2082.

The term "canon" has its origins within the Catholic Church, where it is generally associated with an official rule or decree. However, as used in this paper the virtue ethics canon is a set of principles, set forth by the ancient Greek philosophers, for moral education and the development of individual virtue.[8] The canon is based upon three basic postulates, namely that (1) there are certain fundamental, universal and immutable moral values, (2) these values can be taught, and (3) these values must be applied through the process of moral reasoning as a precondition for virtuous behavior.

The ideas advanced by these early philosophers may properly be referred to as a canon because they have endured for more than 2,000 years and have significantly influenced the moral training component of the Western world's educational institutions. During the 1960's and 1970's, however, the canon suffered a near fatal blow in American education with the assault led by the proponents of relativist ideology. As noted later in this paper, this assault infected the scholastic press and led to an era of unbridled freedom at the expense of moral responsibility. It is our position that, as more voices are raised in support of a return to values inculcation in the public academy, the virtue ethics canon should assume a prominent role in the high school journalism curriculum.

The paper begins with a brief examination of the philosophical foundations of the virtue ethics canon, its early role in the American educational system and the demise of the canon in the face of the relentless pressure from the forces of pragmatism, progressive education and moral

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[8]The term "virtue ethics" is often associated specifically with Aristotle, who preached that virtue is developed through the practice of moral behavior.

relativism that precipitated the present moral crisis within the public academy in general and scholastic journalism in particular. The paper then proceeds to examine the theoretical foundations for a restoration of the canon within the journalism curriculum and some of the guidelines that should be considered in the teaching of moral reasoning to student reporters and editors.

II. The Virtue Ethics Canon: The Demise of A Noble Tradition

A. The Formation of the Canon

The idea of harmonizing the intellectual life with moral development has its roots in antiquity. As early as 2980 B.C. the Egyptians introduced a system of formal education that emphasized not only the art of writing but also ethical precepts, philosophy and good manners.[9] Thus, the educational system, such as it was, assumed some responsibility for character development and the transmission of moral values.

However, the ancient Greek philosophers have had the most profound influence on the development of moral philosophy and the teaching of moral virtue. They encouraged the development of personal character and endeavored to harmonize the intellectual, moral and aesthetic aspects of life. Socrates, the father of moral philosophy, equated knowledge with virtue and theorized that intellectual development is a precondition for the moral being. In the Socratic scheme, knowledge -- and hence virtue -- was to be achieved through the dialectic. It was Socrates' task to subject all declarations, ideas

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[9]Encyclopedia of the Social Sciences, Vol. 5-6. New York: The Macmillan Co., 1931, p. 404.

and value judgments to a merciless examination.[10] To this end, he wandered the streets of Athens haranguing his fellow citizens with relentless questioning concerning a wide variety of cultural habits, customs and taboos. No societal norm or democratic value was safe from his probing inquiries.

Socrates was convinced that through these "Socratic dialogues" -- still valued as an effective pedagogical tool in legal education in this country -- the individual could acquire the knowledge required for a virtuous life. In short, Socrates believed that morality can be taught. His philosophy can be expressed in the following syllogism: "Knowledge can be taught. Virtue is knowledge. Therefore, virtue can be taught."[11]

This dialectical method used by Socrates has become the foundation of educational techniques designed to encourage critical thinking among students, one of the cornerstones of the teaching of moral reasoning that, in our judgment, should be a prominent feature of the scholastic journalism curriculum. As one educational commentator has observed in describing the Socratic method:

> The teacher does not impose his authority or thrust ideas or knowledge upon the student; the latter develops them through his own act of critical thinking -- a method of disciplining his intellect and developing mental habits and powers. Eventually the student arrives at the best possible answers to questions -- not absolute truths but ideas of universal or nearly universal application that will work better than his initial ideas. This learning procedure never ceases but continues in an endless process of questioning, answering,

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[10]Frederick Eby and Charles Flinn Arrowood, The History and Philosophy of Education Ancient and Medieval. New York: Prentice-Hall, Inc., 1940, p. 328.

[11]Ibid., 263.

> analyzing, correcting, and reasoning applied to an infinite number of human intellectual and practical problems.[12]

Plato agreed with his mentor Socrates that virtue can be taught. In his dialogue Protagoras, Plato espoused the belief that "knowledge" of the good leads to virtuous conduct.[13] While this rather optimistic assessment is questionable, it does suggest that the point of departure for moral behavior is "knowledge" of society's fundamental ethical standards. Plato believed that there are immutable and universal values, such as truth and justice, that flow naturally from a liberal education and that the inculcation of these values fell to the wise men of his day. Education is, Plato wrote, "the drawing and leading of children to the rule which has been pronounced right by the voice of the law, and approved as truly right by the concordant experience of the best and oldest men."[14] In addition, he believed that the function of education is to teach children to live together in harmony and that the school should be the primary socializing agency,[15] an ancient commentary on what has more recently become known as the "cultural transmission" function of the public school system.

The Greek system of moral training had begun to dissipate about a century before Plato's student Aristotle. Aristotle took issue with the notion that intellectual instruction leads to virtuous behavior. "If it be a question of

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[12]Samuel Smith, Ideas Of The Great Educators. New York: Barnes & Noble Books, 1979, p. 18.

[13]John Martin Rich, Education and Human Values. Reading, Mass.: Addison-Wesley Publishing Co., 1968, p. 115.

[14]Plato, Laws, Bk. II.

[15]Eby, op. cit., 370.

possessing the virtues," he declared, "the mere knowledge is of little or no avail."[16] While critics of the virtue ethics canon might smugly point to Aristotle's proclamation as evidence that values inculcation is a flawed doctrine, this ancient Greek philosopher was just stating the obvious: the knowledge of ethical theories and principles is insufficient; they must be practiced. Thus, "practice makes perfect" is sage advice in the teaching of journalism ethics as in any other human endeavor.

In order to help citizens acquire both knowledge and virtuous behavior, Aristotle recommended the principle of the "golden mean," a middle point between two extremes. Some vices, Aristotle said, such as theft and murder anyone can sense immediately. But in most instances the individual is confronted with alternatives and should choose a moderate approach between the two extremes.[17] The journalistic virtue of "balance," for example, represents a middle point between the vices of reporting nothing and providing only one side of the story. Likewise, the teaching of moral reasoning is a moderate approach to implementing the virtue ethics canon. It avoids the vice of value indoctrination at one extreme and ethical anarchy at the other, while providing students with a moral blueprint for becoming critical thinkers and rendering more virtuous moral judgments.

Thus, the virtue ethics canon, as interpreted through the writings of the ancient Greeks, puts its faith in the power of reason to develop virtuous behavior. It is as much an intellectual process as an aesthetic one, and this is why values teaching is compatible with what we are about in our system of

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[16]Quoted in Ibid., 429.

[17]See Smith, op. cit., 27.

public education.

B. The Canon In American Education: From Orthodoxy To Progressivism

The public schools in the United States traditionally have viewed instilling the young with societal values as a significant part of their educational mission.[18] Thus, the virtue ethics canon figured prominently in the American educational school system of the Colonial period and the Nineteenth Century. The early schools were religious institutions in which the orthodoxies of theology and philosophy were emphasized. This is not surprising since children were looked upon as sinful creatures who could be ruled only by harsh discipline, fear and unrelenting obedience.[19]

With the arrival of universal public education in the Nineteenth Century, the inculcation of moral values shared the educational agenda with the intellectual development of the nation's youth. This was in response, in part, to the massive immigration from abroad and the need to acculturate these new arrivals into the knowledge, skills and moral norms of the culture.[20] Thus, the "cultural transmission" theory developed, in which the schools were to play a major role in teaching values and developing virtuous citizens that had for so long been a prominent feature of educational philosophy in the Western world. The social significance of this institutional role for the

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[18]Stephen R. Goldstein, "The Asserted Constitutional Right of Public School Teachers To Determine What They Teach," 124 University of Pennsylvania Law Review 1293, 1343 (1976).

[19]R. Freeman Butts, "Search for Freedom -- The Story of American Education," in James A. Johnson, Harold W. Collins, Victor L. Dupuis, John H. Johansen, Foundations of American Education: Readings. Boston: Allyn and Bacon, Inc., 1969, p. 302.

[20]E.g., see Lawrence A. Cremin, The American Common School: A Historical Conception. New York: Bureau of Publications, Teachers College, Columbia University, 1951., pp. 44-48.

nation's schools was described by the French philosopher Alexis de Tocqueville in 1830, when he foresaw the risks of democracy's tendency to encourage an acquisitive and destructive individualism. But he also believed that the commitment of Americans to mediating institutions would combat the effects of individualism.[21] Thus, for Tocqueville the "intellectual and moral associations" in American life -- of which the local school is a classic example -- were so important that "nothing. . . more deserves attention."[22]

The educational reformers of the Nineteenth Century respected the virtue ethics canon and its role in citizenship training, as evidenced in this comment from E.W. Robinson before the American Institute of Instruction: ". . . intellectual education alone will not lead men in the way of virtue. The best mental endowments, the highest cultivation, and the most polished manners have been often connected with loose morals, a bad temper, and dissipated habits."[23] This sentiment was echoed by Horace Mann, the eminent educational reformer of the Nineteenth Century, when he declared unequivocally that moral education is fundamental to general education.[24] These educational reformers, it seems, had no objection to the role of the public academy in values inculcation.

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[21]Alexis de Tocqueville, Democracy In America. Garden City, N.Y.: Doubleday & Co., Inc. J. Mayer Edition, 1969, p. 512; See also Bruce C. Hafen, "Hazelwood School District and The Role of First Amendment Institutions," 1988 Duke Law Journal 685, 703 (1988).

[22]Ibid., 517.

[23]E.W. Robinson, "Moral Culture Essential to Intellectual Education," in The Lectures Delivered Before the American Institute of Instruction, at Boston, August 1841, p. 122.

[24]Mehdi Nakosteen, The History and Philosophy of Education. New York: The Ronald Press Company, 1965, p. 458 citing Mann, Report XII.

An assault on the virtue ethics canon began in the latter part of the Nineteenth Century and continued relentlessly until the counterculture "reform" movement of the sixties had dispatched the canon from the halls of academia and replaced it with moral relativism. The movement that prompted this assault is known as "pragmatism," which has been described as "the greatest contribution made by the United States to philosophical thought."[25]

Pragmatism is most closely identified with William James. It draws its strength and appeal from experience, not ideas, and for this reason has been chastised by its critics as anti-intellectual. In pragmatism, what is true is what works. An action is neither inherently good nor bad; it is to be judged purely on the basis of its consequences. For example, lying might be justified if it achieves the desired results for the moral agent. Pragmatism does not attempt to supply answers to theoretical and abstract questions but instead provides a series of guidelines for action. And in so doing, it preaches a theory of moral relativity.[26] Of all of the philosophical movements, American journalists identify themselves most closely with pragmatism, with emphasis upon the practical (e.g., do anything to get the story) rather than the theoretical and the philosophical.

John Dewey is most associated with joining the ideas of pragmatism with what has become known as "progressive education." Dewey's educational philosophy encouraged experiential learning instead of the traditional method

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[25]J. Herbert Altschull, From Milton To McLuhan: The Ideas Behind American Journalism. White Plains, N.Y.: Longman, 1990, p. 223.

[26]Ibid., 225-26.

of absorbing knowledge and ideas from teachers.[27] He opposed a rigid, fixed curriculum -- a curriculum, it might be added, that had served Western civilization well for centuries -- and advocated the introduction of a pluralistic program of study.

Dewey did not advocate a "values-free" educational system but doubted that moral education as a subject could be directly taught.[28] He also believed that morality is relative, based upon the actual conduct under study. Thus, some have criticized his doctrine as nothing more than "situational ethics" and thus devoid of real values.[29] Although Dewey denied this charge, there is little doubt that his ideas profoundly influenced the thinking of the educational establishment and undermined the respect for the virtue ethics canon within the public academy. The moral relativism associated with pragmatism and the progressive education movement was simply inconsistent with the canon's underlying postulates. By the time of the youthful rebellion against institutional authority in the sixties and seventies, Dewey's progressivist doctrine had had more than 40 years of fermentation within the academic community.

The 1960's ushered in an era of educational reform that witnessed a full-blown retreat from traditional values transmitted by the public school system. The major premise underlying this movement was that juveniles will best develop their faculties if they are protected against adult authority. This

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[27]For a discussion of Dewey's philosophy on this point, see John Dewey, Experience and Education. New York: The Macmillan Company, 1938.

[28]E.g., see Larry C. Jensen and Richard S. Knight, Moral Education: Historical Perspectives. Washington, D.C.: University Press of America, Inc., 1981, pp. 87-94.

[29]Altschull, op. cit., 233.

period was symbolized by protests on college campuses against the established order and permissive childhood education theories that challenged the need for adult authority.[30] Unfortunately, the educational reform of the sixties and seventies seriously eroded the moral anchors of the nation's youth without advancing a viable alternative. In short, it replaced something with nothing.[31]

This radical experiment in educational nihilism shattered public confidence in the schools and in traditional pedagogy by portraying the schools as enemies of true learning and instrumentalities of social control. The counterculture challenged any institution that attempted to assert authority over young adults and adolescents. The values of self-discipline, order and respect for reason that had been the philosophical anchors of the public academy were met with contempt and irreverence by the counterculture. The most significant impact of the educational upheaval was expanded student autonomy, which led to reductions in both academic and behavioral standards.[32] The result was that public schools and universities "uprooted themselves from that solid ground of moral legitimacy from which all institutions receive their long-term nourishment.[33]

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[30]Bruce C. Hafen, Hazelwood School District and The Role of First Amendment Institutions," 1988 Duke Law Journal 685, 700 (1988).

[31]See Allan Bloom, The Closing of the American Mind. New York: Simon and Schuster, 1987, p. 320.

[32]Bruce C. Hafen, "Developing Student Expression Through Institutional Authority: Public Schools As Mediating Structures," 48 Ohio State Law Journal 663, 679-80 (1987).

[33]Irving Kristol, "Moral and Ethical Development in a Democratic Society," in David Purpel and Kevin Ryan (eds.), Moral Education. . . It Comes With The Territory. Berkeley, Cal.: McCutchan Publishing Corporation, 1976, p. 379.

It was during this educational revolution that the Supreme Court provided judicial legitimacy to the progressivist movement in rendering its first definitive pronouncement on the free expression rights of high school students. In 1969 the Court, in Tinker v. Des Moines Independent Community School District,[34] ruled that public school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."[35] The Court's opinion was replete with Dewey's progessivist ideology, declaring at one point that "(t)he principal use to which the schools are dedicated is to accommodate students during prescribed hours for the purpose of certain types of activities" and that "(a)mong those activities is personal intercommunication among the students."[36] The Court also described the classroom as a "marketplace of ideas,"[37] an invitation to school authorities to encourage students to participate in the learning process.[38]

Few educators would disagree with the notion of the students as participants in the educational process. But this seemingly reasonable description of the public academy as a "marketplace of ideas," a cornerstone of the libertarian philosophy, suggests that the school environment is

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[34]393 U.S. 503 (1969). In this decision the Court ruled that such activities as wearing black armbands to protest the Vietnam War could not be restrained, unless such conduct would "materially and substantially interfere with the appropriate discipline in the operation of the school." Ibid., 509.

[35]Ibid., 506.

[36]Ibid., 512 (note omitted).

[37]Ibid., 512 quoting Keyishian v. Board of Regents, 385 U.S. 589, 603 (1967).

[38]Note, "Education and the Court: The Supreme Court's Educational Ideology," 40 Vanderbilt Law Review 939, 955 (1987).

coextensive with society at large, a dubious proposition at best. The marketplace of ideas concept, as we shall see later, also presupposes a community of autonomous individuals, not adolescents whose intellectual, emotional and moral blueprints have not yet reached maturity.

Even the Tinker court was divided on the wisdom of so much freedom for student expressionism within the public schools. In a dissenting opinion, Justice Black rejected the permissiveness which was an outgrowth of the student rebellion of the sixties: ". . . if the time has come when pupils of state-supported schools, kindergartens, grammar schools, or high schools, can defy and flout orders of school officials to keep their minds on their own schoolwork, it is the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary."[39]

The Tinker decision was a watershed case and was instrumental in expanding the rights of the high school press during the 1970's. Although lower federal courts differed on the scope of protection to be accorded student journalists, most of these decisions were in the direction of greater constitutional protection for high school newspapers.[40] It was also during this period of student "liberation" that the public schools began to reap the bitter harvest of the 1960's. The teaching corps that entered the classrooms in the seventies was the product of the countercultural reform era of the sixties and its attendant moral relativism philosophy. Needless to say, the journalism curriculum was not spared this final assault on the virtue ethics

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[39]Tinker, op. cit., 518 (Black, J., dissenting).

[40]E.g., see Schiff v. Williams, 519 F.2d 257 (5th Cir., 1975); Joyner v. Whiting, 477 F.2d 456 (4th Cir., 1973); Fujishima v. Board of Education, 460 F.2d 1355 (7th Cir., 1972).

canon. Many newspaper advisers, encouraged by the publication of Captive Voices,[41] an influential treatise advocating First Amendment freedoms for the high school press, relentlessly pursued greater autonomy for their young charges.

By the decade of the eighties, however, the nation had turned decidedly conservative, and educators began viewing values education with renewed respect. Not surprisingly, this movement was attended by a variety of faddish nomenclatures for values education: values awareness, values clarification, values analysis, values action, etc.[42] Regardless of the particular style of values education, however, it was clear that for the first time in more than a decade the virtue ethics canon might experience a resurrection within the public academy.

The values education movement gained judicial support in 1986 when a more conservative Supreme Court upheld a school's disciplinary action against a student for using an explicit sexual reference in a speech delivered during a student assembly. In Bethel School District No. 403 v. Fraser,[43] the majority opinion, authored by then Chief Justice Warren Burger, noted that the constitutional rights of students in public schools are not automatically "coextensive with the rights of adults in other settings."[44] The Chief Justice also observed that the inculcation of basic values is truly the "work of the

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[41]The Report of the Commission On Inquiry, Captive Voices. New York: Schnocken Books, 1974.

[42]Richard D. Van Scotter, Richard J. Kraft and John D. Haas, Foundations of Education. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1979, p. 162.

[43]106 S.Ct. 3159 (1986).

[44]Ibid., 3165.

schools" and that nothing in the Constitution "prohibits the states from insisting that certain modes of expression are inappropriate and subject to sanctions."[45]

Fraser was followed two years later by the Hazelwood decision upholding the authority of school officials to regulate the content of high school newspapers, as long as such regulation is reasonably related to a pedagogical objective. And the teaching of moral responsibility and the "limits of freedom" within the journalism curriculum is surely a meritorious educational objective and one that serves to prepare students for the environment outside of the academy.

III. The Revival of the Virtue Ethics Canon In Scholastic Journalism

The ancient Greek philosophers have much to say to us if we will only listen. Their wisdom has transcended more than 2,000 years of history and is still respected for its insights into the formation of human character and moral virtue. The Greeks had no reservations concerning the harmony of intellectual and moral training, and neither should contemporary educators, including teachers of scholastic journalism. The restoration of the virtue ethics canon to the academy in general, and the journalism curriculum in particular, should be taken as a pedagogical imperative by high school journalism teachers. Such a movement might be predicated upon two distinct but interrelated concepts: the social contract theory and the development of autonomous moral agents (e.g., student journalists).

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[45] Ibid., 3164.

A. The Social Contract Theory

The social contract theory is drawn from the ideas of Thomas Hobbes set forth in the Leviathan, a monumental work on political philosophy.[46] Hobbes believed that anarchy reins in humanity's state of nature and that unrestrained competition leads to the destruction of individuals operating in their own self interests. Thus, humans must be willing to surrender some of their own sovereignty to a civil authority (e.g., the state) in return for which the authority will guarantee peace and security. In short, a covenant is formed between autonomous individuals, who agree to surrender some of their freedoms, and the sovereign state, which fulfills certain enumerated moral duties to provide tranquility for its member citizens.[47] Although Hobbes' ideas were designed to be implemented on a much more grandiose scale than the public academy, the social contract model is appropriate because schools are "micro-communities" in which individual members must, of necessity, relinquish some freedom in the interest of the collective goals of the academic institution.

This contract places moral obligations upon both the public school and the individual students -- obligations that impact directly upon the scholastic

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[46]The social contract was also embraced by John Locke, who wrote that men consented to relinquish some of their natural freedom in return for the protection of their property by the state. See John Locke, Two Treatises of Government, edited by Thomas I. Cook. New York: Hafner, 1947, 10:123, p. 184. On the contrary, Rousseau used the social contract idea to argue against protection of private property and in favor of equal rights for everyone. See "The Social Contract" in John Somerville and Ronald E. Santoni (eds.), Social and Political Philosophy: Readings from Plato to Gandi. Garden City, N.Y.: Doubleday Anchor Books, 1963, pp. 205-238.

[47]See Michael Oakeshott (ed.), Leviathan: Or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil. Oxford: Basil Blackwell, 1946, pp. 113-120.

journalism curriculum. Under our philosophy of public education, the academy is expected to fulfill two functions, the "epistemic" and the "inculcative."[48] The epistemic function is designed to provide the intellectual training to enable students to become knowledgeable and productive participants in a democratic society. This is one of the postulates underlying the virtue ethics canon. For the training of student journalists, the lesson is unmistakable: a body of knowledge about the "practice" of journalism is a precondition to any rational discussion of ethical dilemmas.

The inculcative function of educational institutions serves as a vehicle for transmitting cultural values, beliefs and ideologies from one generation to the next.[49] Teaching values is not only essential to the survival of any human society but is also an inevitable result of the process of education,[50] as James Rachels has pointed out:

> Children learn values in school even when teachers do not specifically set out to teach them. Teachers naturally insist that students do their own work, without cheating, and so honesty is learned. Hard work is rewarded with good grades, while laziness results in poor marks, and so industriousness is encouraged. There are group projects, in which students must learn to work cooperatively, sharing responsibilities and respecting other people's rights. This kind of moral education occurs as the inevitable byproduct of classes in ordinary subjects such as arithmetic and literature.[51]

But how should the academy fulfill its duty to teach values? Two can methods can be distinguished. The "directive" or "prescriptive" approach

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[48]Robert M. Gordon, "Freedom of Expression and Values Inculcation in the Public School Curriculum," 13 Journal of Law and Education 523 (1984).

[49]Ibid., 524.

[50]Ibid., 532.

[51]Ibid., quoting James Rachels, "Moral Education in Public Schools," 79 The Journal of Philosophy 678 (1982).

involves transmitting information and accepted truths to passive and absorbent students. Under this method, teachers employ exhortation, coercion and systems of reward and punishment, which is analogous to indoctrination.[52]

By contrast, the "discursive" or "analytical" approach to values inculcation is characterized by active examination of the issues of both teacher and student. Instructors "present" values to students and then discuss the moral, logical and practical consequences of those values.[53] Reason, dialogue and critical thinking reside at the vortex of the analytical approach, thus minimizing coercion and indoctrination.

It is our view that the prescriptive method should be rejected within the secondary school journalism curriculum because it views students as passive receptacles of knowledge. But this is counterproductive to the virtue ethics canon, because the canon promotes moral development through Socratic dialogue, moral reasoning and the "practice" of ethical behavior.

It is, of course, an article of faith within the virtue ethics canon that there are certain universal and immutable values and that these should be taught. But through the process of analysis and discourse (rather than indoctrination) students are more likely to discover the virtuous path. At least their ethical judgments will be well-reasoned ones, defensible by sound moral principles.

If the social contract imposes a duty upon educational institutions to provide both intellectual and moral enrichment, what obligation is imposed

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[52]Ibid., 531; Goldstein, op. cit., 1297.

[53]Ibid.

upon students? Proponents of values-free education argue that students should have freedom of expression without any institutionally-imposed restrictions on that freedom. But rights without obligations makes for irresponsibility, just as obligations without rights make for servility.[54]

In the final analysis, the duty to learn values is based upon natural law. Humans are, by nature, social animals and must learn the moral norms of the community with which they have contracted for a civilized existence.[55] The public school, in which students must abide each other for several hours a day, is an academic community. Students have a duty to learn the moral code of the institution as a whole, as well as the values peculiar to each particular course of study. And since journalism courses are elective, student reporters and editors implicitly accept the ethics instruction and some restraint on their individual freedom that they might encounter in the preparation of the school newspaper. In short, it goes with the territory.

Those who question the validity of imposing a moral duty upon students to learn values under the social contract theory might do well to heed the counsel of ethicist Irving Kristol: ". . . people upon whom no obligations are imposed will experience an acute sense of deprivation. It is our striking failure to recognize this phenomenon of moral deprivation for what it is which explains our fumbling and even cynical response to the dissatisfaction that Americans are expressing toward their institutions."[56] Robert Coles, in a recent article in Educational Leadership, notes that the "ability to form an

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[54]Kristol, op. cit., 378.

[55]George Z.F. Bereday, "Values, Education and The Law," 48 Mississippi Law Journal 585, 608 (1977).

[56]Kristol, op. cit., 378.

attachment to ideals of a larger community or organization than oneself, and to exert one's influence for the good of the greater body" helps build character.[57]

Thus, journalism students have a duty to accept values instruction and to temper their youthful thirst for freedom and autonomy with a sense of social responsibility to their classmates collectively and to the academy as an institution. After all, their journalistic enterprises could affect the lives and sensibilities of their peers, teachers and parents. And with the moral legitimacy of our public schools under siege, it might not even be asking too much for scholastic journalists to become the role models -- the student ethicists if you will -- for their academic peers. They certainly have an unquestioned stake in the restoration of the virtue ethics canon to its position of rightful prominence within the public schools.

B. The Development of Autonomous Moral Agents

Restrictions on free expression rights within the public academy may be justified on the ground that high school students are not fully mature and are thus not capable of functioning as autonomous individuals. Students are not "finished products" but are, in many relevant respects, underdeveloped. In matters of free speech, student rights exist to "point toward" those of the future adult.[58]

This "lack of maturity" rationale is well-grounded in Western philosophy and American jurisprudence. The architects of the libertarian philosophy of

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[57]Robert Coles, "The Moral Life of Children," 43 Educational Leadership 19, 21 (December 1985/January 1986).

[58]R. George Wright, "Free Speech Values, Public Schools, and the Role of Judicial Deference," 22 New England Law Review 59, 69 (1987).

individualism were willing to draw the line on autonomy where children were concerned. John Locke, for example, noted the limited capacity of children to exercise rationally the privileges of freedom granted to them by nature:

> To turn him (the child) loose to an unrestrained liberty, before he has reason to guide him, is not allowing him the privilege of his nature to be free, but to thrust him out amongst brutes, and abandon him to a state as wretched and as much beneath that of a man as theirs.[59]

John Stuart Mill also addressed the subject in his classic, On Liberty. Upon examining the philosophy of individual liberties, Mill concluded that "this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young persons below the age which the law may fix as that of manhood or womanhood."[60]

The American legal system has also recognized the lack of autonomy of minors. Restrictions upon driving privileges, alcohol consumption, the right to vote and the right to enter into contracts are representative of the restrictive rights of youthful members of our society. Even the juvenile justice system is based upon the premise that "children who are yet in the developmental stages of becoming mature adults should be protected against the long term implications of their own decisions made at a time when they lack sufficient capacity and experience to be held as responsible as an adult

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[59]John Locke, "Second Treatise On Civil Government," in J. Charles King and James A. McGilvray (eds.). Political and Social Philosophy. New York: McGraw-Hill Book Co., 1973, p. 117.

[60]John Stuart Mill in Ibid., 186.

would be for the same decision."[61]

Legal commentator Edward T. Ladd has explained the moral justification for according the young fewer civil liberties than adults:

> There are decision-making points and dangers in their lives which they are as yet unconcerned about, and decisions they are as yet incapable of making for themselves. Because this is so, the interests of the very young must be entrusted to the care of certain older people, particularly parents, but also teachers and judges, whom we regard as ethically and legally obligated to protect the young and make decisions for them. Those obligations necessarily carry with them the authority to deal with the young in ways which, if the latter were adults, would be infringements on their rights. In other words, vis-a-vis the adults who are supposed to care for their interests, the very young have only very limited rights. Or, to look at it differently, their right to be protected from all manner of ills overrides other rights they might have and entitles adults to exercise autocratic authority over them. Presumably our authority over them is to be benevolently autocratic.[62]

Despite the restoration of institutional authority represented by the Hazelwood decision, high school principals and journalism teachers should not use this "benevolently autocratic authority" to reduce the school newspaper to nothing more than mundane accounts of student activities. Scholastic journalism should be viewed as an opportunity to develop morally autonomous individuals. The objective should be to maintain the student press as a forum for student expression, while at the same time inculcating student journalists with a sense of social responsibility. In other words, while students come to the academy as underdeveloped beings, one of the objectives of the educational process should be to develop them into autonomous individuals.

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[61]Bruce C. Hafen, "Children's Liberation and the New Egalitarianism: Some Reservations About Abandoning Youth To Their 'Rights'," 1976 Brigham Young University Law Review 605, 646 (1976). Although the courts have extended certain procedural safeguards to juvenile hearings (e.g., see In re Gault, 387 U.S. 1 (1967)), juveniles are still not entitled to some of the "basic" constitutional rights, such as trial by jury.

[62]Edward T. Ladd, "Civil Liberties for Students -- At What Age?," 3 Journal of Law and Education 251 (1974).

This can only be accomplished through raising the consciousness level of the nation's youth to society's moral expectations. William Bennett, former Secretary of Education, has characterized the nexus between autonomy and moral philosophy as follows: ". . . genuine moral autonomy requires not only that an agent act in accordance with moral reasons, but also that he be motivated by his awareness of them."[63] This is still another testament to the efficacy of teaching ethics and moral reasoning within the high school journalism curriculum.

Legal scholar Robert M. Gordon has observed that there is a potential conflict between the values teaching function of the public schools and the mandate of the First Amendment that states refrain from distorting the marketplace of ideas by transmitting values.[64] But this raises the question of whether the marketplace of ideas can remain more than an ideal without a properly trained citizenry. As noted earlier, the ancient Greeks, in constructing the foundation for the canon, identified the link between intellectual knowledge and the development of virtuous behavior. Individuals -- and that includes student journalists -- are not born with the ability to contribute to the marketplace of ideas; they must be trained. And in the teaching of journalistic skills we predispose students to accept some values (e.g., objectivity and balance) and not others:[65]

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[63]William J. Bennett, "Moral Education and Indoctrination," 79 The Journal of Philosophy 665, 669 (1982).

[64]Robert M. Gordon, "Freedom of Expression and Values Inculcation in the Public School Curriculum," 13 Journal of Law and Education 523, 525 (1984).

[65]Malcolm Stewart, "The First Amendment, The Public Schools, and the Inculcation of Community Values," 18 Journal of Law and Education 23, 26 (1989).

> The problem lies in the notion that there is some analytical distinction between skills and ideology, that we can train an individual to solve problems without instilling certain powerful preconceptions as to what the answers are likely to be. In fact, by the time an individual arrives at the age for "independent" decision-making, he has already been trained to accept some answers and reject others. For instance, it is simply incoherent to talk about training an individual to analyze philosophical arguments without predisposing him to accept some rather than others. Any statement about how to do such analysis involves assumptions as to what criteria are relevant in assessing ideas, what counts as a good argument-assumptions that are plainly "substantive" rather than merely methodological[66]

As we shall see later, the moral reasoning process is designed to "channel" the thinking of student journalists and to identify guidelines and criteria upon which sound ethical judgments can be made. It is one means of developing the ability of students to function as morally autonomous individuals.

Those who argue in favor of unrestricted free speech rights in the public academy rely on First Amendment values that encourage self-expression and the capacity to enjoy meaningful personal autonomy. But "freedom of expression" has two meanings: (1) freedom <u>from</u> restraints on expression and (2) freedom <u>for</u> expression,[67] that is, having the training and intellectual maturity for self-expression. Students must develop their freedom <u>for</u> expression before their freedom <u>from</u> restraints acquires any value.[68] This is perhaps what the Supreme Court had in mind in its <u>Hazelwood</u> opinion when it suggested that the teaching of responsibility (i.e., ethical behavior) is a necessary concomitant to the exercise of freedom:

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[66]<u>Ibid</u>.

[67]Hafen, <u>Hazelwood School District</u> and The Role of First Amendment Institutions," <u>op. cit</u>., 700.

[68]<u>Ibid</u>.

> A school must be able to set high standards for the student speech that is disseminated under its auspices. . . and may refuse to disseminate student speech that does not meet those standards. . . . Otherwise, the schools would be unduly constrained from fulfilling their role as "a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment."[69]

Thus, the development of individual autonomy within the high school journalism curriculum does require the teaching of certain fundamental and immutable values (e.g., truth, honesty and respect for persons). This is in keeping with the virtue ethics canon. But the canon also postulates that virtuous character develops through practice, and it is for this reason that the journalism curriculum must include critical thinking about ethical issues and a foundation in moral reasoning. But in fulfilling this pedagogical objective journalism teachers must avoid the perpetuation of relative values and situation ethics that so pervades our society in general and the practice of journalism in particular. Students must learn that any ethical system provides some freedom of action and moral alternatives in a given situation but that decisions based upon individual whims are unacceptable. John Merrill has offered the following observation concerning the nexus of freedom and responsibility.

> Ethics in journalism, then, rests on the assumption that the journalist can choose among alternative courses of action. This possibility of choosing implies the existence of considerable journalistic freedom. . . . Freedom is an essential foundation of morality. But it must be stressed that freedom is a valid foundation only when an edifice of morality and social responsibility is built upon it.[70]

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[69]Hazelwood, op. cit., 2086 quoting Brown v. Board of Education, 347 U.S. 483, 493 (1954).

[70]John C. Merrill, The Dialectic in Journalism. Baton Rouge, La.: Louisiana State University Press, 1989, p. 38.

Thus, moral judgments should be well-reasoned ones, based upon established and rational criteria of evaluation. The process of moral reasoning combines students' natural tendencies for freedom of choice with the institution's goal of developing a sense of social responsibility. And it is when students "internalize" their values education -- that is, when the ethical judgments become their own through moral reasoning -- the virtue ethics canon is likely to be most effective. Brian Crittenden, in his commentary on "Autonomy as an aim of education," has stated the case succinctly:

> The fundamental objective of learning with understanding cannot be realized unless the learner comes to grasp principles for himself, and thus to achieve intellectual independence from the mere authority of teachers, textbooks, experts and cult heroes. So if the engagement in liberal education is conducted properly, a person should reach the point at which the important choices he makes are his own in the sense that he applies for himself the relevant criteria of criticism and evaluation and sees for himself why these criteria are the relevant ones to employ.[71]

IV. Moral Reasoning and Individual Autonomy

A. The Teaching of Moral Reasoning: Pedagogical Objectives

The virtue ethics canon postulates that the teaching of values is insufficient for developing character; moral principles must be internalized and then acted upon. The process known as moral reasoning is designed to lead students in this direction and over time to produce more virtuous individuals. Moral reasoning is a systematic, rational and logical approach to rendering ethical judgments. It develops critical thinking skills and forces moral agents to defend their decisions based upon sound ethical precepts. To

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[71]Brian Crittenden," "Autonomy as an aim of education," in Kenneth A. Strike and Kieran Egan (eds.), Ethics and educational policy. London: Routledge and Kegan Paul, 1978, pp. 122-23.

this end, we recommend the use of case studies and in-class role-playing exercises to challenge the intellectual faculties of the students. However, it is tempting to overstate the case for the teaching of moral reasoning and the use of case studies, which may not simulate conditions outside of the academy, and one must be careful not to do so. There is no guarantee that the teaching of ethics and moral principles will produce more virtuous individuals any more than the teaching of civics will insure better citizens. Ethics instruction will not turn sinners into saints overnight. However, the probability still exists that instruction in moral reasoning will at least raise the ethical awareness (the first step in changing behavior) of students than the alternative of a "values free" education.

We believe that the teaching of moral reasoning can promote virtuous conduct by providing the means by which students can make ethical judgments, defend them and then criticize the results of their choices. The expectations should remain fairly modest, but there are several realistic pedagogical objectives for the teaching of ethics and moral reasoning. These educational objectives are drawn from a study completed in 1980 by the Hastings Center, a pioneer in the ethics of medicine, biology and the behavioral sciences.[72] However, they are relevant to any course committed to ethics instruction and the teaching of moral reasoning. The Hastings Center study identified five such objectives:

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[72]A Report by the Hastings Center, The Teaching of Ethics in Higher Education. Hastings-on-Hudson, N.Y.: The Hastings Center, 1980, pp. 48-52. These goals are also discussed in James A. Jaksa and Michael S. Pritchard, Communication Ethics: Methods of Analysis. Belmont, Cal.: Wadsworth Publishing Company, 1988, pp. 5-9.

1. Stimulating the moral imagination. The teaching of moral reasoning should promote the notion that moral choices constitute an important part of the human condition. In fact, Jaksa and Pritchard have even argued that "(e)very human action can be seen from a moral point of view."[73] Without some preparation, the consequences of one's behavior might take neophyte moral agents by surprise. The moral reasoning process "jump starts" the student's imagination, the first step towards rational decision-making and away from snap judgments or what John Merrill refers to as "whim" ethics.[74] In other words, the study of ethics challenges students to think seriously about moral dilemmas.

2. Recognizing ethical issues. While most of us would like to believe that we know right from wrong, we do not always recognize the moral dimensions of a situation. Anticipation of possible dilemmas is an important objective of ethics training and the moral reasoning process. The study of ethics can assist in developing the foresight to anticipate and to reflect upon ethical dilemmas before they occur in the "real world." This foresight is what might be called "preventive ethics."[75]

Student journalists must learn to acknowledge an ethical concern before they can confront it. For example, some students, having come of age in the age of aggressive investigative reporting, may see nothing wrong with reporters employing deception to uncover a story. Instruction in moral

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[73]James A. Jaksa and Michael S. Pritchard, Communication Ethics: Methods of Analysis. Belmont, Cal.: Wadsworth Publishing Co., Inc., 1988., p. 6.

[74]John Calhoun Merrill, The Imperative Of Freedom: A Philosophy of Journalistic Autonomy. 2nd ed. New York: Freedom Foundation, 1990, p. 166.

[75]Jaksa and Pritchard, op. cit., 6.

reasoning should help them to recognize the ethical problems inherent in such conduct and to appreciate the fact that reporters are not immune from the moral norms of the society of which they are a part. A careful and systematic classroom experience with ethics can call the mind's attention to important ethical issues and the moral standards of the culture.[76]

3. Developing analytical skills. The ability to think critically about ethical issues is at the heart of the decision-making process. This goal involves critically evaluating the kinds of arguments and justifications that might support one's moral position. The ability to reason is essential to problem-solving in mathematics and the behavioral sciences; the same can be said of moral philosophy. As noted above, case studies and classroom simulations, in which student journalists role-play moral agents in a hypothetical or real ethical situation, can be effective tools in developing analytical skills. To the extent that the classroom can simulate real world conditions -- and the limitations are many -- this approach accomplishes its educational objective efficiently.

4. Eliciting a sense of moral obligation and personal responsibility. This pedagogical objective is based upon the Protestant ethic of accepting personal responsibility for one's actions. The virtue ethics canon is directed at the development of morally autonomous individuals who must have the freedom of make choices but then must assume responsibility for the consequences of those choices. As moral agents we are each accountable for our actions and should not blame others for our ethical lapses. Media practitioners often emphasize the First Amendment value of freedom at the

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[76]See Louis W. Hodges, "The Journalist and Professionalism," Journal of Mass Media Ethics, Vol. 1, No. 2, Spring/Summer 1986, p. 35.

expense of responsibility. A course in ethics can bridge that gap by rapidly introducing students to the twin concepts of moral obligation and personal responsibility.

5. Tolerating disagreement. Through the discussion of ethical dilemmas and the application of the moral reasoning process within the classroom environment students should come to appreciate the views and concerns of others. Not only will they gain greater insights into the positions of their peers; they will learn to empathize with those who are the subjects of their journalistic endeavors. This is not to suggest that journalists -- and that includes student journalists -- should refrain from covering legitimate newsworthy topics that may prove embarrassing to others. But before moral agents can make informed ethical judgments they must take into account and respect other points of view.

A rational decision is one based upon a defensible moral foundation, after ample deliberation and consideration of the available options. As James Jaksa and Michael Pritchard have observed in their illuminating discussion on ethics in communications: "Tolerating differences of choice and refraining from automatically labeling opposite choices as immoral are essential. At the same time, seeking exact points of difference can help solve disagreements by eliminating false distinctions and evasions."[77] We live in an open and diverse society and wisdom and reason suggest that we consult the moral views of others before rendering our personal judgments.[78]

B. Ethical Theories In Moral Reasoning

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[77]Jaksa and Pritchard, op. cit., 9.

[78]Hastings Center Report, op. cit., 52.

An exhaustive examination of various "models" for moral reasoning is beyond the scope of this paper. This topic has been dealt with adequately, and the reader's attention is directed to those sources.[79] However, there are two kinds of moral theories[80] -- approaches to the moral reasoning process, if you will -- that are useful in directing students in the direction of rational and sound ethical decision-making. Although there are many different avenues to rendering sound ethical judgments, these two kinds of theories represent the mainstreams of philosophical thought in Western civilization.

Moral theories that concentrate upon the "results" of an ethical judgment are usually referred to as "consequentialists" or "teleological" theories.[81] Teleology often emphasizes maximizing positive results for individuals or groups. Some teleological theories focus upon minimizing harms rather than maximizing good consequences. In any variation, however, the emphasis is upon the good or bad consequences that flow from an ethical decision.

Consequentialism is predicated upon the notion of "the end justifies the means." It postulates that the morality or immorality of an act depends upon the results, not whether a certain form of behavior is inherently good or bad. Thus, reporters are justified in going using deception to uncover corruption and other social ills because of the good consequences for the

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[79]E.g., see Louis A. Day, Ethics In Media Communications: Cases and Controversies. Belmont, Cal.: Wadsworth Publishing Co., 1991, pp. 58-63; Clifford G. Christians, Kim B. Rotzoll and Mark Fackler, Media Ethics: Cases & Moral Reasoning. 3rd ed. White Plains, N.Y.: Longman, 1990, pp. 2-9.

[80]Some authors recommend additional guidelines in making ethical decisions. E.g., see Christians, op. cit., 11-21.

[81]One common form of consequentialism is based upon James Mills' utilitarian philosophy, which holds that a moral agent should attempt to promote the greatest good for the greatest number of people.

audience. In this case, the "public's right to know" is invoked to justify the moral indiscretion of the reporter.

At the other end of the spectrum are theories that are based upon the nonconsequential aspects of morality. These theories are often referred to as "deontological" because of their emphasis upon moral rules that should be obeyed, regardless of the consequences that might result. The most famous deontologist was the Eighteenth Century philosopher Immanuel Kant, whose "categorical imperative" was based on the notion of the universality of moral principles. We should embrace only those ethical duties, Kant declared, that we would desire to apply to everyone and that respect the dignity of people.

Deontological theories hold that certain moral obligations, such as societal prohibitions against lying, cheating and stealing, are inherently good and should be obeyed, even if undesirable consequences result to some parties. For example, reporters should always keep their promises of confidentiality to their news sources, even if breaking the promise might benefit others. Likewise, since truth is a fundamental cultural value, reporters should not use deception in the newsgathering process, even if some public good might be derived from it. In the long run, according to the deontological position, lying undermines the trust that society places in the media to serve as the representatives of the public and to take the moral high road that society expects of its institutions.

The deontological approach to ethical decision-making is strong medicine for those who believe that a blind obedience to moral duties is too severe for the real world. Therefore, some contemporary philosophers have advocated a modification of the Kantian philosophy to the extent that certain fundamental ethical norms should be obeyed (e.g., telling the truth), unless there is a

compelling or overriding moral reason for deviating from the norm.[82] Lying in order to save the life of another is one example.

When journalism teachers present their case studies to student journalists, they should ask them to evaluate the ethical dilemmas in terms of these two kinds of moral theories -- the consequentialist and the nonconsequentialist -- and then render an ethical judgment and defend it based upon one of these two approaches. In this way, high school journalists will become sensitized to both the concept of fundamental moral principles and the consequences of their actions. This is an important step in applying moral philosophy within the relative tranquility of the classroom environment before students confront their own ethical dilemmas under more stressful conditions in the outside world. The application of these moral theories is also essential to establishing the virtue ethics canon as a prominent feature in scholastic journalism.

C. Beyond Moral Reasoning: The Lessons To Be Learned

As noted earlier, the teaching of ethics will not lead to a reformation of the moral souls of high school students. They have been nurtured in a relativistic culture that is just now lamenting the excesses of the "reform" movement of the sixties. However, exposure to the moral reasoning process can begin to instill a "sense" of sound ethical judgment within those who take the instruction seriously. But apart from the teaching of moral values

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[82]In one variation of this idea, John Merrill has proposed that journalists should utilize a synthesis of deontology and teleology, which he refers to as "deontelic ethics." Under this theory, journalists should begin with a series of basic maxims upon which most of them would agree (e.g., never quote out of context, always attribute the source of information, etc.) but would also take into account the consequences of their actions. See Merrill, The Dialectic In Journalism, op. cit., 199-203.

and the critical thinking that accompanies the examination of the ethical dilemmas through the case study method, what lessons should be imparted to student journalists during their ethics instruction? Depending upon the instructor's pedagogical interests, these may vary from school to school. We believe, however, that there are three concepts that are fundamental to all others: (1) moral loyalty; (2) a respect for persons; and (3) the theory of moral proportion.

1. The Concept of Moral Loyalty. Professional journalists sometimes justify their deviation from universal ethical norms on the ground that they are privileged and are thus exempt from the normal moral reasoning process. The argument goes something like this:

> The occupation in question (journalism) plays a crucial role in society. If certain normal kinds of moral reasoning are followed by members of the occupation, they will not be able to fulfill that role. So if society has a greater interest in the occupation's ability to fulfill its role than it does in the occupation's obligation to engage in those normal kinds of moral reasoning, the members of the occupation ought to be exempted from them.[83]

It is axiomatic that no member of society is above the law. The same holds true for moral obligations. All of us -- and that includes journalists -- must respect the ethical norms of the culture to which we owe allegiance. The concept of moral loyalty, then, holds that reporters and editors must defend their ethical judgments according to the same standards of moral reasoning as the rest of us.[84] There may be times, for example, when newspapers might be justified in publishing the names of rape victims or using deception to gather information for a story. But they are not justified in doing so on the

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[83]Jeffrey Olen, Ethics in Journalism. Englewood Cliffs, N.J.: Prentice Hall, 1988, pp. 43.

[84]For a discussion of this point, see Ibid., 42-3.

ground that they are somehow privileged and thus exempt from normal moral reasoning.

High school journalists must also function within their own cultural framework, i.e. the school and the curriculum that provide them sustenance. This is not to suggest that high school reporters should abandon all initiatives in covering controversial issues of interest to their contemporaries. But just as professional journalists should not operate apart from their cultural norms, high school journalists must also comply with the moral standards of the public academy. When they choose to deal in sensitive matters, e.g. abortion, sexual behavior and divorce, they should be prepared to present their case to school officials (assuming that there are objections) according to the normal moral reasoning process. To base such decisions merely upon First Amendment values (i.e., the right to publish without any prior restraint) is specious reasoning and the kind of special privilege that has generated public distrust of media institutions.

The legacy of Socrates provides a graphic example of what can happen when citizens consider themselves apart from their cultural heritage and refuse to recognize the inherent goodness of certain moral norms. Although Socrates, as noted earlier, contributed significantly to what is now referred to as moral reasoning and hence to the virtue ethics canon, there was also a negative aspect to his relentless public discourse. Socrates was an incurable skeptic who took nothing at face value and challenged everything (a creed followed by many contemporary journalists), even the fundamental principles upon which Athens was founded. Student journalists might be tempted, as are their professional counterparts, to embrace Socrates as a role model for challenging the established order and the value system of their own

institutions. But for those students so inclined, they should recall the fate of Socrates: he was put to death for contributing to the demise of patriotism and democratic ideals and to corrupting the youth of Athens.[85] While such a fate is unlikely to befall scholastic journalists, the trial of Socrates should serve as a graphic reminder of what can happen when reporters, including student reporters, become gadflies who view themselves as unrestrained by cultural norms.

B. Respect For Persons

"Respect for persons." The words are simple, the meaning profound. This concept lies at the core of our system of morality, and many philosophers claim that it is the basis of all morality.[86] It is certainly a prominent feature of the Judeo-Christian ethic ("thou shalt love thy neighbor as thy self") and was stressed by Immanuel Kant as part of his deontological ethical construct. The Kantian philosophy stands for the proposition that persons should always be treated as ends, never as means.

The moral reasoning process is a worthy starting point for imparting this basic lesson to young "journalists-in-training." It teaches, first of all, an appreciation for the views of others and a certain empathy with the plight of those who might be affected by one's moral judgments. This includes school administrators, since they bear ultimate responsibility for school-sponsored publications. In addition, the learning of moral reasoning is an important stage in the development of autonomous student journalists, which is one of

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[85]For a discussion of this idea, see Ted J. Smith III, "Journalism and the Socrates Syndrome," The Quill, April 1988, pp. 14-20. For a commentary on "negativism" in newsrooms, see Richard Harwood, "A virus of negativism in the newsrooms," (Baton Rouge) Morning Advocate, August 30, 1990, p. 7B.

[86]Olen, op. cit., 59.

the objectives of scholastic journalism described earlier. Learning to respect others establishes the foundation for moving from dependency to autonomy. Student journalists, therefore, must at least be sensitive to the harm that might accrue from their journalistic enterprises.

A case in point is the Colorado high school principal who censored from the school's newspaper the results of a student poll naming the 10 "least effective" teachers at the school. The principal claimed the poll was not "scientifically accurate," a claim not disputed by the students. He also said the pollsters' questions were ambiguous. The paper's editor acknowledged that the poll was not scientific but then lamented that "the students don't have any say about the quality of their teachers." The editor also criticized the principal for what was apparently his first venture into the role of censor: "He didn't say anything as long as our articles were general," the editor said. "But once we started bringing in names, and risking people's feelings, he started to mind."[87]

Of course, that is precisely the point. The principal was concerned about the moral consequences of an article based upon an unscientific poll and rather ambiguous questions. He said he would have permitted the poll to run if the student sample had been larger and the questions clearer.[88] In short, this endeavor was simply not good journalism, and the student journalists in question probably gave insufficient consideration to the ethical implications of this story. Decisions concerning human lives and feelings should always be

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[87]"Principal pulls poll naming school's worst teachers, claiming inaccuracy," Student Press Law Center Report, Fall 1988, p. 19.

[88]Ibid.

made with due consideration for the "respect for persons" concept. This is an important lesson that should emerge from the moral reasoning process.

This concern was also at the heart of the Hazelwood principal's concern when he read the original proofs of the student-produced article on divorce. The article identified by name a student who complained of her father's conduct, and the principal believed that the students' parents should have been given an opportunity to respond to the remarks or at least consent to their publication.[89] If this material had been included in the article, it is possible that school officials would borne the force of the parents' wrath, not the reporter in question. The "respect for persons" concept trains student journalists to consider all of the parties in the chain of ethical decision-making: newspaper advisers, school officials, the audience, and those who are featured in the news accounts.

C. The Theory of Moral Proportion

This concept is derived from Aristotle's theory of the "golden mean," alluded to earlier in the paper. Aristotle believed that moral virtue lies between the extremes of excessive action and deficient action. For example, according to the golden mean the virtue of courage resides somewhere between the extreme vices of foolhardiness and cowardice.[90]

As applied to the practice of journalism, the virtue of temperance lies between licentiousness, i.e. unbridled and irresponsible exercise of freedom, and insensitivity, apathy or journalistic inaction. Thus, for the student

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[89]Hazelwood, op. cit., 2081.

[90]For a discussion of the application of the "golden mean" to journalism, see Sandra H. Dickson, "The 'Golden Mean' in Journalism," 3 Journal of Mass Media Ethics 33 (1988).

journalist the "virtue" of responsibility is a mean between the licentious, sensational or unbalanced treatment of a news story on the one hand and apathy (i.e., inaction) on the other. The theory of moral proportion is an important lesson for high school reporters because is at the root of responsible journalism. It is a dialectic between the extremes of moral anarchy and moral prudishness.[91] It some respects, this concept lies at the foundation of journalistic pedagogy because it encourages freedom for the scholastic press as a vehicle for student expression, while teaching student journalists to exercise this freedom responsibly.

This is also an important lesson for newspaper advisers because it encourages the exploration of important issues by student journalists, while emphasizing the instructor's role in imparting the cardinal virtues of journalism: truth, accuracy, balance, objectivity and fairness. Since the role of journalists, including student journalists, is to inform their audiences about issues of interest to them, the theory of moral proportion legitimizes this ethical imperative and insures that it will be fulfilled with a sense of responsibility.

V. Summary

Moral education within the public schools, which suffered a serious blow during the "reform" movement of the sixties and seventies, is gradually regaining some respectability. Now that the Hazelwood decision has focused the attention of the educational community on the "limits" of student press freedom, this paper recommends that the high school journalism curriculum

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[91]For a discussion of this point, see Merrill, The Dialectic In Journalism, op. cit., 208-211.

assume a prominent position in the teaching of ethics in the public academy. Pedagogical strategies for fulfilling this mandate should be based upon what we refer to as the "virtue ethics canon," a philosophical construct handed down to us by the ancient Greek philosophers, Socrates, Plato and Aristotle. The canon postulates that (1) there are identifiable universal and immutable moral values, (2) these values can be taught and (3) virtuous behavior is developed by implementing these moral truths in one's ethical decision-making.

The justification in applying the virtue ethics canon to the journalism curriculum lies, first of all, in the social contract between the individual students and the academic community to which they are committed several hours a day. Under this arrangement, the school is obligated to fulfill both an epistemic (the dissemination of knowledge) and inculcative (the teaching of values) function. For their part, students have a moral duty, based upon natural law, to learn values and to pay homage to the norms and standards of the institutional culture.

The application of the virtue ethics canon is also justified because of the educational objective of developing individual autonomy, that is to say the freedom to render rational moral judgments and a sense of social responsibility in carrying out the journalistic enterprise within the public high school. Part of the strategy for accomplishing this objective is based upon the teaching of moral reasoning, primarily through the use of case studies and in-class simulations. This approach will sharpen the students' critical faculties in regards to ethical decision-making and move them in the direction of moral autonomy. This device may not insure moral virtue, but it can provide students with the opportunity to confront ethical dilemmas within

a tranquil and reflective environment before they are required to do so under the relentless pressures of the "real world."

There are at least three lessons that should emerge from this educational foray into moral education within scholastic journalism. First of all, students should learn a sense of moral loyalty to the society of which they are a part. Journalists are bound by the same ethical standards and must apply the same moral reasoning process as the rest of us. Secondly, student journalists should come away from this experience with a "respect for persons," which should underlie all ethical decision-making. Finally, they should gain an appreciation for "moral proportion," an ethical mean that balances freedom with responsibility and is characterized by such journalistic virtues as balance and fairness.

The virtue ethics canon is no panacea for inculcating student journalists with a sense of moral responsibility. But it can serve as a worthy compass for those journalism teachers who wish to instill some ethical decorum within their classrooms and yet preserve the high school newspaper as a forum for student expression.